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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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2292	7590	05/05/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, DOUGLAS Q	
			ART UNIT	PAPER NUMBER
			2624	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/377,821

Applicant(s)

NIHEI, KANAME

Examiner

Douglas Q. Tran

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The amendments to the drawing were received on 2/18/04. Fig. 17, "PRINT IMAGE" has been corrected to the heading of the table.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-7, 11 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For at least claims 1 and 5, the specification and figures do not support the limitation is described in this claim: "... in such a manner that **print data**, which represents at least one of images and characters to be printed, **is applied to each of the plurality of printers**, and **each printer of the plurality of printers prints at least one of images and characters** the number of sheets whereof conforms to a number of prints" (emphasis added). In contrast, the specification of the application, with respect to fig. 19 and lines 5-11 of page 18, one of print images is distributed to one of the plurality of printers. For example, in fig. 19, a print image i1 is only distributed to a printer A, not to printers D, E, B and C. Therefore, the specification of the

Art Unit: 2624

application does not teach the same print data to be distributed to each of the printers, and the claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 8-10 and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Owa (US Patent No. 6,348,971 B2).

As to claim 8, Owa teaches a multiple printer control apparatus (1 in fig. 2) for controlling a plurality of printers comprising:

a print-processing capability determining unit (i.e., a function of S66 or S67 in fig. 14) for detecting print processing capability of each of the printers (col. 13, lines 65-67: all printers are extracted, each of printers is determined for processing capability “step S68 in fig. 14”);

an overall-workload determining unit (i.e., a function of S68 in fig. 14 and S86 in fig. 16) for determining overall workload of printing to be performed using the plurality of printers (col. 14, lines 9-13 and col. 15, lines 8-14); and

Art Unit: 2624

a printer control unit (i.e., setting means 26 in fig. 7) for allocating, based on the determined print processing capabilities of each of the plurality of printers (step of S82 in fig. 16) and on the determined overall workload, the printing to be performed at each of the plurality of printers (the "Yes" condition to step of S86 in fig. 16; col. 8, lines 44-48).

(it is noted that: in a case 1, with respect to col. 13, lines 62-67, if the user specifies a desired print technology, only a number of the printers adopting the specified print technology are extracted at step S66. if not by the user, all of printers are extracted. Thus, since all of printers are extracted, each of all printers has a change to meet the condition and performing the printing.

In a case 2, with respect to col. 14, lines 16-31, if the conditions for printing is reduced until maximum, then all of printers are extracted because they meet the print conditions, and each of printers can perform the printing).

As to claim 9, Owa teaches the printer control unit allocates the printing to be performed where print processing executed by the plurality of printers ends approximately simultaneously (col. 14, lines 10-13 indicates that the all print pages are sorted into the corresponding printers, thus, all of printers are performed the same time and ends approximately simultaneously).

As to claim 10, Owa teaches the print processing capability determination unit determines print-processing capabilities by applying predetermined print data to one of plurality of printer (fig. 12b indicates that print pages P1-10, P15-25 is applied to a printer 13 and p11-14 is applied to a printer 11).

Art Unit: 2624

As to claim 12, Owa teaches the printing to be performed includes a plurality of images to be printed where the plurality of images is greater than the number of printers (fig. 12b indicates a number of images, such as print pages including 25 page images, is greater than the number of printers, such as printers 11 and 13).

Response to Arguments and Amendment

Applicant's arguments filed 2/18/04 have been fully considered but they are not persuasive.

Applicant asserted in page 9 “ Applicant respectfully traverses this rejection (i.e., 112, 1st rejection) and disagrees with the Examiner’s characterization of Applicant’s specification”, “ It is respectfully submitted that the Examiner is reading the teachings of the specification at page 18, lines 5-11, out of context. It is respectfully submitted that the illustration depicted in Fig. 19 shows that the print images are sorted in order of decreasing print-job quantity and the printers are sorted in order of decreasing allocated job quantity. The figure further illustrates which images are printed by which printers (page 8, line 1-11)”. In reply, the above statement really agrees with the Examiner’s rejection (112, 1st):

1) Fig. 4 and page 7, line 22 to page 8, line 8 indicate that five printers are connected such as IDA, IDB, IDC, IDD, IDE, but there only are four printers capable of printing which is indicated by a “O”. Therefore, the print jobs cannot be distributed to all of the connected printers. That means the print images are distributed to the optimum or selected or available printers, not to each of the connected printers or all of the connected printers.

Art Unit: 2624

2) the limitations from claims 1 and 5 is addressed that “ ... at least one of images and characters to be printed, is applied to each of the plurality of printers, and each printer of the plurality of printers prints at least one of images and characters the number of sheets whereof conforms to a number of prints”. Based on the above limitations, the Examiner understands that all of printers have a chance to print at least one of images and characters. Therefore, the above limitations are different with the statements that are described on figures 19-21 and page 19, line 1 to page 20, line 2. For example, in fig. 19, a print image i1 is only distributed to a printer A, not to printers D, E, B and C.

Applicant also asserted in page 9 that “ However, this is only one portion of the overall apparatus/method of the present invention. For example, as depicted in Fig. 14, the print images may be selected and the number of prints of the print image may be designated. Additionally, the print size may be selected; as depicted in Fig. 17, the overall printing workload is calculated. When the overall printing workload has been calculated, print jobs are allocated to each of the printers connected to the multiple-printer control apparatus” . In reply, the figures 19-21 are a result of the processing from figures 14, 17 and 18. The figure 14 just indicates which image is selected for printing; figure 17 just indicates which image is set a number of prints, print size and job quantity; figure 18 just indicates which printer will perform the particular printing. However, the detail of the limitations from figures 14, 17 and 18 are not addressed to the independent claims 1 and 5.

Art Unit: 2624

For the above reasons, it is believed that the cited prior art fully discloses the claimed invention and the rejection stand.

Conclusion


THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas Q. Tran whose telephone number is (703) 305-4857 or E-mail address is Douglas.tran@uspto.gov.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Douglas Q. Tran
May. 03, 2004



GABRIEL GARCIA
PRIMARY EXAMINER